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Federal Communications Commission
Office of the Secretary

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May 1, 1992

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

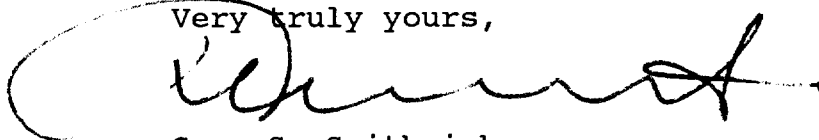
RE: MM Docket No. 92-33
Bible Broadcasting Network, Inc.
Conway, Florida
File No. BPED-890412MJ

Dear Ms. Searcy:

Transmitted herewith, on behalf of Bible Broadcasting Network, Inc., applicant for a construction permit for a new educational FM station at Conway, Florida (File No. BPED-890412MJ), are an original and six copies of a "Petition for Leave to Amend and Amendment" to the above-referenced application.

If there are any questions with respect to this matter, please communicate with the undersigned.

Very truly yours,



Gary S. Smithwick
Counsel for
BIBLE BROADCASTING NETWORK, INC.

GSS/pn
Enc.

cc: As per Certificate of Service
Conway Public File
Bible Broadcasting Network, Inc.

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Before the
Federal Communications Commission

Washington, D.C. 20554

MAY - 1 1992

Federal Communications Commission
Office of the Secretary

| | | |
|----------------------------------|---|------------------------|
| In re Applications of |) | MM Docket No. 92-33 |
| |) | |
| CENTRAL FLORIDA EDUCATIONAL |) | File No. BPED-881207MA |
| FOUNDATION, INC. |) | |
| Channel 202C3 |) | |
| Union Park, Florida |) | |
| |) | |
| BIBLE BROADCASTING NETWORK, INC. |) | File No. BPED-890412MJ |
| Channel 202C2 |) | |
| Conway, Florida |) | |
| |) | |
| SOUTHWEST FLORIDA COMMUNITY |) | File No. BPED-891127MC |
| RADIO, INC. |) | |
| Channel 202C2 |) | |
| Conway, Florida |) | |
| |) | |
| MIMS COMMUNITY RADIO, INC. |) | File No. BPED-891127MD |
| Channel 202C1 |) | |
| Oak Hill, Florida |) | |
| |) | |
| HISPANIC BROADCAST SYSTEM, INC. |) | File No. BPED-891128ME |
| Channel 202C3 |) | |
| Lake Mary, Florida |) | |
| |) | |
| For Construction Permit |) | |
| For a, Noncommercial, |) | |
| Educational New FM Station |) | |

TO: The Honorable Edward J. Kuhlmann
Administrative Law Judge

PETITION FOR LEAVE TO AMEND AND AMENDMENT

Bible Broadcasting Network, Inc. ("BBN"), applicant for a construction permit for a new educational FM station at Conway, Florida, by its attorney, hereby respectfully requests the Presiding Judge to grant it leave to amend its above-referenced application (File No. BPED-890412MJ) as set forth herein.

This amendment is being filed to update information concerning BBN's broadcast interests and applications as required by Section 1.65 of the Commission's Rules. The

amendment reports that: (1) on April 29, 1992, BBN consummated the assignment of license of WAVO(AM), Decatur, Alabama, to Curriculum Development Foundation, Inc. This assignment was authorized by the Commission in File No. BAL-920213EC, which was granted March 30, 1992. While preparing the amendment to report the consummation, counsel for the first time discovered that prior amendments failed to report the filing and grant of BAL-920213EC. BBN is updating its application as soon as practical after discovery of the error. Counsel apologizes to the Court for the error, and assures the Court that the failure to more promptly update the application was wholly inadvertent; (2) On April 5, 1992, changes were made to BBN's Board of Directors. Joseph J. Mast was elected Secretary/Treasurer of BBN, replacing H. Ron White, who also resigned as a director; Terry Hylton was elected Assistant Secretary; Joy Davey was married and is now known as Joy Raley; and David Jeremiah was elected to the Board of Directors to replace H. Ron White; and (3) A previously reported event, the pending Settlement Agreement leading to dismissal of BBN's application for a new FM station at Martinez, Georgia, was consummated on April 23, 1992, and Exhibit 4 is amended to reflect that the application is now dismissed.

Good cause exists for this amendment. It is required by Section 1.65 of the Rules. The amendment also meets the test set forth in Erwin O'Conner Broadcasting Co., 22 FCC 2d

140, 143 (Rev. Bd. 1987). That is: (a) it was presented with due diligence; (b) it is involuntary; (c) no new parties or issues are required; (d) no disruption of the proceeding will occur; (e) no party will be prejudiced; and (f) no comparative advantage will accrue to the amending applicant.

WHEREFORE, good cause having been shown, BBN respectfully requests the Presiding Judge to grant it leave to amend and accept the attached amendment to its pending application.

Respectfully submitted,

BIBLE BROADCASTING NETWORK, INC.

By: 

Gary S. Smithwick
Its Attorney

SMITHWICK & BELENDIUK, P.C.
2033 M Street, N.W., Suite 207
Washington, D.C. 20036
(202) 785-2800

May 1, 1992

RECEIVED

Before the
Federal Communications Commission

MAY - 1 1992

Washington, D.C. 20554

Federal Communications Commission
Office of the Secretary

In the Matter of)
Application of)
)
BIBLE BROADCASTING NETWORK, INC.) File No. BPED-890412MJ
Conway, Florida)
)
For Construction Permit)
for a New FM Station)
on Channel 202C2)
Conway, Florida)

AMENDMENT

The above-referenced application of Bible Broadcasting Network, Inc. ("BBN"), for a construction permit for a new educational FM station at Conway, Florida, is amended by substituting: (1) the attached Exhibit 4 in order to update information concerning BBN's broadcast interests and applications, which no longer lists WAVO(AM), Decatur, Georgia, as a BBN station. On March 30, 1992, the Commission granted the assignment of license of WAVO to Curriculum Development Foundation, Inc. (File No. BAL-920213EC). On April 29, 1992, the sale was consummated. Exhibit 4 also reports the dismissal of BBN's application for a new FM station at Martinez, Georgia, pursuant to a Settlement Agreement; and (2) the attached page 3 of FCC Form 340, in order to update information concerning BBN's Board of Directors, which changed April 5, 1992.

Executed this 30 day of April, 1992.

BIBLE BROADCASTING NETWORK, INC.

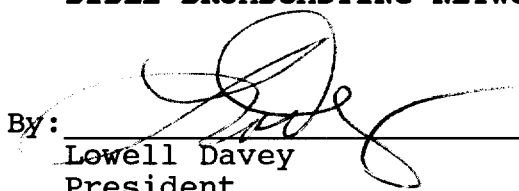
By: 
Lowell Davey
President

EXHIBIT 4

BBN is a non-profit, non-stock corporation which is licensed or permitted to operate a number of radio stations and FM translators. BBN operates its stations with a non-commercial educational format. The radio stations are as follows:

| <u>Call Letters</u> ¹ | <u>City of License</u> |
|----------------------------------|----------------------------------|
| KYFA(FM) | Amarillo, Texas |
| KYFB(FM) | Pine Bluff, Arkansas |
| KYFE(FM) | Alexandria, Louisiana |
| KYFI(FM) | Lafayette, Louisiana |
| KYFL(FM) | Monroe, Louisiana |
| KYFS(FM) | San Antonio, Texas |
| KYFT(FM) | Lubbock, Texas |
| KYFW(FM) | Wichita, Kansas |
| WHPE-FM | High Point, North Carolina |
| WYFA(FM) | Waynesboro, Georgia |
| WYFB(FM) | Gainesville, Florida |
| WYFC(FM) | Clinton, Tennessee |
| WYFD(FM) ² | Decatur, Alabama |
| WYFE(FM) | Tarpon Springs, Florida |
| WYFG(FM) | Gaffney, South Carolina |
| WYFH(FM) ³ | North Charleston, South Carolina |
| WYFI(FM) | Norfolk, Virginia |
| WYFJ(FM) ⁴ | Ashland, Virginia |
| WYFK(FM) | Columbus, Georgia |
| WYFL(FM) | Henderson, North Carolina |
| WYFN(AM) | Nashville, Tennessee |
| WYFO(FM) | Lakeland, Florida |
| WYFQ(AM) | Charlotte, North Carolina |
| WYFS(FM) | Savannah, Georgia |
| WYFT(FM) | Luray, Virginia |
| WYFV(FM) | Cayce, South Carolina |
| WYFY(FM) | Fisher, West Virginia |
| WYFZ(FM) | Evans, Georgia |

¹ Construction permit for WHGG(FM), Knoxville, Tennessee (File No. BPED-861015SY) was voluntarily forfeited and call sign canceled November 21, 1991. BBN determined despite best efforts of BBN and WATE-TV, Knoxville, Tennessee, that it was infeasible to construct WHGG's facilities consistent with constraints to WATE-TV, Channel 6.

² Application pending for modification of license to change from a class A facility to a class C2 facility (File No. BPED-910710MD).

³ Application for license pending (File No. BLED-911016KA).

⁴ Application pending for modification of license to increase power (File No. BMLH-900501KA).

The FM translators are as follows:

| <u>Call Letters</u> | <u>City of License</u> |
|---------------------|--------------------------------|
| W210AC | Southern Pines, North Carolina |
| W216AD | Schroon Lake, New York |
| W224AF | Danville, Virginia |
| W224AL | Westover Hills, Virginia |
| W261AM | Christiansburg, Virginia |
| W261AN | Blacksburg, Virginia |
| W296AF | Martinsville, Virginia |
| W296AM | Bassett Forks, Virginia |
| W204AN | Swainsboro, Georgia |
| W261AH | Radford, Virginia |
| W261AI | Fairlawn, Virginia |
| W253AA | Birmingham, Alabama |
| W216AK | Princeton, West Virginia |
| W221AK | Waynesboro, Virginia |

BBN has an authorization for a fixed earth station located at Chesapeake, Virginia, granted August 2, 1991 (File No. 1687-DSE-P/L-89; call letters E890804).

BBN has applications pending for new noncommercial educational FM stations at the following communities:

| <u>Community</u> | <u>FCC File Number</u> | <u>FCC Docket Number</u> |
|------------------|------------------------|--------------------------|
| Noblesville, IN | BPED-880301ML | MM Docket No. 90-94 |
| Fort Smith, AR | BPED-900816MA | |

BBN has applications for new FM Translators at the following communities:

| <u>Community</u> | <u>FCC File Number</u> | |
|-------------------|------------------------|---------------------------|
| Paris, TX | BPFT-880722TB | (Dismissed Feb. 5, 1991) |
| Amarillo, TX | BPFT-880725TE | (Dismissed Feb. 5, 1991) |
| Odessa, TX | BPFT-880725TD | (Dismissed Feb. 5, 1991) |
| Wichita Falls, TX | BPFT-880725TC | (Dismissed Feb. 5, 1991) |
| Salina, KS | BPFT-880728TB | (Dismissed Feb. 5, 1991) |
| Topeka, KS | BPFT-880725TC | (Dismissed Feb. 5, 1991) |
| Lake Charles, LA | BPFT-880801TM | (Dismissed Feb. 5, 1991) |
| Lafayette, LA | BPFT-880801TB | (Dismissed Feb. 5, 1991) |
| West Monroe, LA | BPFT-880728TA | (Dismissed Feb. 5, 1991) |
| Tyler, TX | BPFT-880808TC | (Dismissed April 3, 1990) |
| Springdale, AR | BPFT-880808TB | (Dismissed Feb. 5, 1991) |
| Fort Smith, AR | BPFT-880808TD | |
| Stillwater, OK | BPFT-880810TA | (Dismissed Feb. 5, 1991) |
| Manhattan, KS | BPFT-880810TB | (Dismissed Feb. 5, 1991) |
| Emporia, KS | BPFT-880810TC | (Dismissed Feb. 5, 1991) |
| Jonesboro, AR | BPFT-880815TJ | (Dismissed Feb. 5, 1991) |
| Pine Bluff, AR | BPFT-880815TI | (Dismissed Feb. 5, 1991) |
| New Iberia, LA | BPFT-880815TL | (Dismissed Feb. 5, 1991) |

| | | |
|------------------|---------------|--------------------------|
| Roswell, NM | BPFT-880815TK | (Dismissed Feb. 5, 1991) |
| Lufkin, TX | BPFT-880906TC | (Dismissed Feb. 5, 1991) |
| Midland, TX | BPFT-880822TC | (Dismissed Feb. 5, 1991) |
| Beaumont, TX | BPFT-880822TD | (Dismissed Feb. 5, 1991) |
| Bryan, TX | BPFT-880822TE | (Dismissed Feb. 5, 1991) |
| Van Buren, AR | BPFT-880808TD | (Dismissed Feb. 5, 1991) |
| Abilene, TX | BPFT-880912TF | (Dismissed Feb. 5, 1991) |
| Grand Island, NE | BPFT-881011TI | (Dismissed Feb. 5, 1991) |
| Columbia, SC | BPFT-880922TA | (Returned April 3, 1990) |
| Lincoln, NE | BPFT-881011TI | (Returned April 3, 1990) |
| Alexandria, LA | BPFT-881019TA | (Dismissed Feb. 5, 1991) |
| Nacadoches, TX | BPFT-881019TB | (Returned April 3, 1990) |
| Longview, TX | BPFT-881121TG | (Dismissed Feb. 5, 1991) |
| Winchester, VA | BPFT-890313TF | |
| Fayetteville, NC | BPFT-891023TG | (Dismissed May 2, 1991) |

BBN was an applicant for a new non-commercial educational FM station at Wilmington, North Carolina. The application was dismissed by the FCC after BBN did not continue to prosecute it.

BBN was an applicant for new noncommercial educational FM stations at Topeka, Kansas (File No. BPED-901005MB); Live Oak, Texas (File No. BPED-880930MM), Salina, Kansas (File No. BPED-900730MH, MM Docket No. 91-287), and Martinez, Georgia (File No. BPED-900125MB). The applications were dismissed pursuant to settlement agreements.

Lowell Davey and Georgeanna Davey are officers and directors of Bible Broadcasting Network International, Inc., which is the permittee or licensee for the following FM translators:

| <u>Call Letters</u> | <u>City of License</u> |
|---------------------|------------------------|
| W221AA | Stafford, VA |
| W221AH | Fredericksburg, VA |
| W221AK | Waynesboro, VA |
| W224AE | Wytheville, VA |
| W249AL | Pulaski, VA |
| W249AF | Salem, VA |
| W292CH | Williams Village, NC |
| W296AU | Harrisonburg, VA |
| W249AG | Roanoke, VA |
| W240AF | Charlottesville, VA |

Section II - LEGAL QUALIFICATIONS (Page 2)

PARTIES TO APPLICATION

B. Complete the following Table with respect to all parties to this application:

NOTE: If the applicant considers that to furnish complete information would pose an unreasonable burden, it may request that the Commission waive the strict terms of this requirement with appropriate justification.)

INSTRUCTIONS: If applicant is a corporation or an unincorporated association with 50 or fewer stockholders, stock subscribers, holders of membership certificate or other ownership interest, fill out all columns, giving the information requested as to all officers, directors and members of governing board. In addition, give the information as to all persons or entities who are the beneficial or record owners of or have the right to vote capital stock, membership or ownership interests or are subscribers to such interests. If the applicant has more than 50 stockholders, stock subscribers or holders of membership certificates or other ownership interests, furnish the information as to officers, directors, members of governing board, and all persons or entities who are the beneficial or record owners of or have the right to vote 1% or more of the capital stock, membership or ownership interests. If applicant is a governmental or public educational agency, board or institution, fill out columns (a), (b), and (c) as to all members of the governing board and chief executive officers.

| Name and Residence Address(es) | Office Held | Director or Member of Governing Board | | % of: Ownership (O) or Voting Stock (VS) or Membership (M) |
|----------------------------------------------------------------------------|--------------------------------------|------------------------------------------------|----|---------------------------------------------------------------------|
| | | YES | NO | |
| | | (c) | | |
| (a) | (b) | | | (d) |
| Lowell L. Davey 4709 Regal Court Chesapeake, VA 23321 | President/ Director | X | | 14.29% (M) |
| Georgeanna Davey 4709 Regal Court Chesapeake, VA 23321 | Vice President/ Director | X | | 14.29% (M) |
| R. Lindsay Poteat 13 Stag Terrace Newport News, VA 23602 | Director | X | | 14.29% (M) |
| Joseph J. Mast Route 2 Box 101 Ashboro, NC 23602 | Secretary/ Treasurer/ Director | X | | 14.29% (M) |
| Joy A. Raley 319 Begonia Lane Chesapeake, VA 23325 | Director | X | | 14.29% (M) |
| Frank McDowell 205 Crosswinds Drive Apt. 204 Chesapeake, VA 23320 | Director | X | | 14.29% (M) |
| Terry Hylton 1608 City Park Ave. Portsmouth, VA 23701 | Assistant Secretary | | X | |

PARTIES TO APPLICATION

8. Complete the following Table with respect to all parties to this application:

(NOTE: If the applicant considers that to furnish complete information would pose an unreasonable burden, it may request that the Commission waive the strict terms of this requirement with appropriate justification.)

INSTRUCTIONS: If applicant is a corporation or an unincorporated association with 50 or fewer stockholders, stock subscribers, holders of membership certificate or other ownership interest, fill out all columns, giving the information requested as to all officers, directors and members of governing board. In addition, give the information as to all persons or entities who are the beneficial or record owners of or have the right to vote capital stock, membership or ownership interests or are subscribers to such interests. If the applicant has more than 50 stockholders, stock subscribers or holders of membership certificates or other ownership interests, furnish the information as to officers, directors, members of governing board, and all persons or entities who are the beneficial or record owners of or have the right to vote 1% or more of the capital stock, membership or ownership interests. If applicant is a governmental or public educational agency, board or institution, fill out columns (a), (b), and (c) as to all members of the governing board and chief executive officers.

| Name and Residence Address(es) (a) | Office Held (b) | Director or Member of Governing Board | | % of: Ownership (O) or Voting Stock (VS) or Membership (M) (d) |
|-------------------------------------------------------|------------------------|------------------------------------------------|----|--------------------------------------------------------------------------------|
| | | YES | NO | |
| | | (c) | | |
| David Jeremiah 366 Coachwood El Cajon, CA 92019 | Director | X | | 14.29% (M) |

CERTIFICATE OF SERVICE

I, Patricia A. Neil, a secretary in the law firm of Smithwick, & Belendiuk, P.C., certify that on this 1st day of May, 1992, copies of the foregoing were mailed, first class, postage paid to the following:

Honorable Edward J. Kuhlmann*
FCC, Administrative Law Judge
2000 L Street, N.W., Rm 220
Washington, DC 20554

James Shook, Esquire*
FCC, Hearing Branch
Enforcement Division
Mass Media Bureau
2025 M Street, N.W. Rm 7212
Washington, DC 20554

Chief Data Management Staff*
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Castelton, VA 22716
Counsel for
Hispanic Broadcast System,
Inc.


Patricia A. Neil

*by hand